

## **REMARKS**

The Office Action dated January 26, 2007 has been received and carefully noted. The above amendments to the claims, and the following remarks, are submitted as a full and complete response thereto.

Claims 1, 14, 20, 41, 45, 46, 50, and 52-55 have been amended to more particularly point out and distinctly claim the subject matter of the invention. Claims 47-49 and 51 have been canceled without prejudice or disclaimer. No new matter has been added. Claims 1-46, 50, and 52-55 are currently pending in the application and are respectfully submitted for consideration.

The Office Action rejected claims 1-6, 10, 15-16, 19, 20, 22-26, 28-29, 31, 35-36, 38, 41, 44-46, 48-49 and 50-55 under 35 U.S.C. § 102(b) as being anticipated by Fishman (U.S. Patent Pub. No. 2002/0103935). The rejection is respectfully traversed for the following reasons.

Claim 1, upon which claims 2-19 are dependent, recites a cellular receiver device including a cellular receiver configured to enable receipt of data from a cellular network domain. The cellular receiver device also includes a radio broadcast access unit configured to provide conditional access to a digital radio broadcast data channel to enable receipt of the data from the data source via the digital radio broadcast data channel, so that data can be received outside the coverage of the cellular network domain using the broadcast channel and a cellular channel in an alternative way.

Claim 20, upon which claims 21-40 are dependent, recites a server device including a gateway configured to receive data from an external data source and to map a destination address of received data to a mobile subscriber identity. The server device also includes an adder configured to add said mobile subscriber identity to said received data, and to put said received data with said mobile subscriber identity to a data stream to be broadcast via a digital radio broadcast channel so that data can be received outside the coverage of a cellular network domain using the broadcast channel and a cellular channel in an alternative way.

Claim 41 recites a gateway device configured to provide a connection between a cellular network and a digital radio broadcast domain, configured to encrypt data received from said cellular network to be forwarded to a mobile device, and configured to forward said encrypted data to said digital radio broadcast domain based on a conditional access scheme so that data can be received outside the coverage of a cellular network domain using the broadcast channel and a cellular channel in an alternative way.

Claim 45 recites a system, including a cellular receiver device configured to receive data from a data source, said cellular receiving device including a cellular receiver configured to enable receipt of said data from said data source via a cellular network domain, and a radio broadcast access unit configured to provide conditional access to a digital radio broadcast data channel to enable receipt of said data from said data source via said digital radio broadcast data channel. A server device is configured to provide a data service to a mobile device, said server device including a gateway

configured to receive data from the data source and for mapping a destination address of received data to a mobile subscriber identity, and an adder configured to add said mobile subscriber identity to said received data, and to put said received data with said mobile subscriber identity to a data stream to be broadcast via the digital radio broadcast channel. The system further includes a gateway device configured to provide a connection between a cellular network and a digital radio broadcast domain, said gateway device being configured to encrypt data received from said cellular network to be forwarded to said mobile device, and to forward said encrypted data to said digital radio broadcast domain based on a conditional access scheme so that data can be received outside the coverage of a cellular network domain using the broadcast channel and a cellular channel in an alternative way.

Claim 46 recites a method, including encrypting data to be forwarded, forwarding said data to a digital radio broadcast domain based on a conditional access scheme to transmit said data to a mobile device, defining by the conditional access scheme a predetermined offline time during which the mobile device has not been in the coverage area of a cellular network, and starting the data forwarding after expiry of the offline time.

Claim 50 recites a computer program embodied on a computer readable medium, said computer program configured to perform: encrypting data to be forwarded, forwarding said data to a digital radio broadcast domain based upon a conditional access scheme to control one of a server device and a gateway device, defining by the

conditional access scheme a predetermined offline time during which the mobile device has not been in the coverage area of a cellular network, and starting the data forwarding after expiry of the offline time.

Claim 52 recites a cellular receiver device including cellular receiving means for enabling receipt of data from a data source via a cellular network domain, and radio broadcast access means for providing conditional access to the data source via a digital radio broadcast data channel to enable receipt of said data via said digital radio broadcast data channel, so that data can be received outside the coverage of the cellular network domain using the broadcast channel and a cellular channel in an alternative way.

Claim 53 recites a server device including gateway means for receiving data from an external data source and for mapping a destination address of received data to a mobile subscriber identity, and adding means for adding said mobile subscriber identity to said received data, and for putting said received data with said mobile subscriber identity to a data stream to be broadcast via a digital radio broadcast channel to provide data service to a mobile device, so that data can be received outside the coverage of the cellular network domain using the broadcast channel and a cellular channel in an alternative way.

Claim 54 recites a gateway device for providing a connection between a cellular network and a digital radio broadcast domain, for encrypting data received from said cellular network to be forwarded to a mobile device, and for forwarding said encrypted data to said digital radio broadcast domain based on a conditional access scheme, so that

data can be received outside the coverage of the cellular network domain using the broadcast channel and a cellular channel in an alternative way.

Claim 55 recites a system including cellular receiver means for receiving data from a data source, said cellular receiving means comprising cellular receiving means for enabling receipt of said data from the data source via a cellular network domain, and radio broadcast access means for providing conditional access to a digital radio broadcast data channel to enable receipt of said data from said data source via said digital radio broadcast data channel. The system includes server means for providing a data service to a mobile device, said server means comprising gateway means for receiving data from the data source and for mapping a destination address of received data to a mobile subscriber identity, and adding means for adding said mobile subscriber identity to said received data, and for putting said received data with said mobile subscriber identity to a data stream to be broadcast via the digital radio broadcast channel. The system includes gateway means for providing a connection between a cellular network and a digital radio broadcast domain, said gateway means being configured to encrypt data received from said cellular network to be forwarded to said mobile device, and to forward said encrypted data to said digital radio broadcast domain based on a conditional access scheme, so that data can be received outside the coverage of the cellular network domain using the broadcast channel and a cellular channel in an alternative way.

As will be discussed below, Fishman fails to disclose or suggest the elements of any of the presently pending claims.

Fishman discloses a system and method for customizing content based on at least one operating characteristic of a mobile client. A mobile gateway receives content from a content source, such as an email server, a Web server, or some other content server. The mobile gateway customizes the content based on transforms assigned to each mobile client. Transforms account for differences in the software, display, processor, memory, or communication channel of each mobile client, without imposing additional processing burdens on the content server. Processing that is common among several transforms may be shared.

Applicants respectfully submit that Fishman fails to disclose or suggest all of the elements of the present claims. For example, Fishman fails to disclose or suggest that conditional access is provided to the data source “so that data can be received outside the coverage of said cellular network domain using said broadcast channel and a cellular channel in an alternative way,” as recited in claim 1, 20, 41, 45, and 52-55. Additionally, Fishman does not disclose or suggest “defining by said conditional access scheme a predetermined offline time during which said mobile device has not been in the coverage area of a cellular network; and starting said data forwarding after expiry of said offline time,” as recited in claims 46 and 50.

Thus, according to embodiments of the invention, the broadcast channel and the cellular channel are used as alternatives and not together as disclosed in Fishman. Fishman, as discussed above, generally describes customizing of content based on one or more operating characteristics of a mobile client by use of a mobile gateway which

transforms contents based on individual operating characteristics of various mobile clients that are supported. Upon receiving content for a mobile client, the mobile gateway identifies an appropriate transform, transforms the content and sends the transformed content to the mobile client (Fishman, paragraphs [0011] to [0015]). Thus, contrary to the claimed invention, Fishman only discloses enabling receipt of data via a broadcast channel. However, Fishman does not disclose or suggest any alternative use of a cellular channel and a broadcast channel to enable receipt of data via an alternative channel in areas without cellular coverage.

Therefore, Fishman fails to disclose or suggest all of the elements of claims 1, 20, 41, 45, 46, 50 and 52-55. As such, Applicants respectfully request that this rejection be withdrawn.

Claims 7-9, 11-14, 17-18, 21, 23, 27, 30, 32-34, 37, and 39-40 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Fishman in view of Mullham (European Patent No. 1067741). The rejection is respectfully traversed for the following reasons.

Fishman is discussed above. Mulham discloses a method for transmitting a notification message of an email receipt in a broadcast signal. The underlying object is to inform the user of a received email without requiring logging onto the internet service provider (Mulham, paragraph [0003]).

Claims 7-9, 11-14, 17-18, 21, 23, 27, 30, 32-34, 37, and 39-40 are dependent upon claims 1 and 20, respectively, and inherit all of the limitations thereof. As discussed

above, Fishman fails to disclose or suggest all of the elements of claims 1 and 20. Furthermore, Mulham fails to cure the deficiencies of Fishman. Mulham only discloses that a broadcast signal may be used as well for pushing the whole of the email to the user (Mulham, paragraph [0087]). However, Mulham does not disclose using a broadcast channel and a cellular channel in an alternative way to enable receipt of cellular data in areas without cellular coverage.

Moreover, neither Fishman nor Mulham suggest providing a gateway between the cellular network domain and the radio broadcast domain for mapping a destination address of the received data to a mobile subscriber identity. In Mulham the email is directly send from the ISP to the mobile terminal via the radio broadcast channel, while in Fishman no interface is provided between the cellular network and the radio broadcast network, as can be gathered from Fig. 1 of Fishman. Therefore, the combination of Fishman and Mulham does not disclose or suggest all of the elements of claims 7-9, 11-14, 17-18, 21, 23, 27, 30, 32-34, 37, and 39-40.

Claims 42-43 and 47 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Fishman in view of Risto (European Patent No. 0804012). Applicants note that claim 47 has been canceled. However, the rejection is respectfully traversed with respect to claims 42 and 43.

Fishman is discussed above. Risco discloses a multimedia terminal consisting of a mobile phone (4) and a so-called storage presentation apparatus such as a computer or television. The object underlying Risco is to provide an equipment which meets the

requirements of multimedia reception. The combined use of bidirectional cellular communication and unidirectional broadcast communication is proposed for loading large and for continuous pictures and sound objects in a flexible way to dynamically change the transmission network in accordance with operating condition and requirements.

Claims 42 and 43 are dependent upon claim 41. Applicants respectfully submit that the skilled person would not be prompted to transfer the teaching of *Risco* to a usual cellular device for providing alternative receiving options via a cellular channel and a broadcast channel. Also, an interfacing gateway between a cellular network and a radio broadcast network can not be anticipated or rendered obvious by *Risto*. *Risto* merely discloses a receiver for selecting an appropriate channel, but does not seem to suggest providing a gateway device between the cellular domain and the radio broadcast domain.

Consequently, neither *Fishman* nor *Risto* discloses or suggests changing the transmission channel and starting data forwarding via the radio broadcast domain after expiry of an offline time. Accordingly, the combination of *Fishman* and *Risto* does not disclose or suggest all of the elements of claims 42 and 43.

In view of the above, Applicant respectfully submits that the claimed invention recites subject matter which is neither disclosed nor suggested in the cited prior art. Applicant further submits that the subject matter is more than sufficient to render the claimed invention unobvious to a person of skill in the art. Applicant therefore

respectfully requests that each of claims 1-46, 50, and 52-55 be found allowable and this application passed to issue.

If for any reason the Examiner determines that the application is not now in condition for allowance, it is respectfully requested that the Examiner contact, by telephone, the applicants' undersigned attorney at the indicated telephone number to arrange for an interview to expedite the disposition of this application.

In the event this paper is not being timely filed, the applicants respectfully petition for an appropriate extension of time. Any fees for such an extension together with any additional fees may be charged to Counsel's Deposit Account 50-2222.

Respectfully submitted,



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Enclosures: Request for Continued Examination  
Petition for Extension of Time